

SPECIAL CIVIL APPLICATION No 5158 of 1999

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order madeJJJJJ

5. Whether it is to be circulated to the Civil Judge? : NO
Nos. 1 to 5 No

Versus

YAKUBBHAI GULAMBHAI MEMON

MR BG JANI for Respondent No. 1

Date of decision: 17/12/1999

Rule.Mr.B.G.Jani waives service of rule for the respondent. By consent of the parties the petition is taken up for immediate hearing and disposed of today.

The respondent was awarded punishment of dismissal in departmental proceedings for remaining absent for 44 days without leave. The Labour Court has set aside the punishment and ordered the respondent to be reinstated in service with 50% backwages and has awarded punishment of stoppage of two increments with permanent effect. Looking to the previous record of the respondent, the punishment awarded by the Labour Court is not sufficient and in the circumstances, the punishment of stoppage of five increments with permanent effect is awarded. The award of the Labour Court shall stand modified accordingly. Rule made absolute to the aforesaid extent. No order as to costs.

m.m.bhatt